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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

Esteban MARTINEZ-Olivera
(AKA: Arturo SALAZAR)

Defendant.

Magistrate Case No.

08 JUN -5 AM 10:36

U8 MJ 1760

COMPLAINT FOR VIOLATION OF:

DEPUTY

Title 8, U.S.C., Section 1326;
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **May 30, 2008**, within the Southern District of California, defendant, **Esteban MARTINEZ-Olivera (AKA: Arturo SALAZAR)**, an alien who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States without the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States, in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
Lisette Guzman, Deportation Officer
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **5th** DAY OF **JUNE, 2008**.


UNITED STATES MAGISTRATE JUDGE



PROBABLE CAUSE STATEMENT

On May 30, 2008, the defendant, Esteban MARTINEZ-Olivera (AKA: Arturo SALAZAR) was arrested by the California Highway Patrol for violation of Vehicle Code 23152(a) "DUI: ALCOHOL/DRUGS". Defendant was booked into San Diego Jail as Arturo SALAZAR. An Immigration Enforcement Agent subsequently interviewed the defendant and determined him to be a citizen of Mexico. The agent placed a Form I-247 (Immigration Detainer) pending his release from custody.

On June 4, 2008, the defendant was referred to the custody of United States Immigration and Customs Enforcement (ICE) at San Diego, California. A Deportation Officer conducted computer database record checks and reviewed various sources of information confirming the defendant to be a citizen of Mexico having been deported or removed from the United States.

A review of official immigration computer database record checks and information contained in the Alien Registration file revealed the defendant was most recently ordered deported from the United States by an Immigration Judge on or about September 1, 2000, and removed on March 7, 2007, via the Nogales, AZ., Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System (IDENT) was utilized and compared the defendant's fingerprints to those contained in this database. The results confirmed his identity as Esteban MARTINEZ-Olivera, a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.

The defendant was admonished as to his rights per Miranda. The defendant acknowledged those rights and elected to answer questions without counsel present. The defendant admitted his true name is Esteban MARTINEZ-Olivera, and he is a citizen of Mexico by virtue of birth in Oaxaca, Mexico on May 8, 1966. Defendant admitted that he had been deported or removed from the United States, and has never obtained a waiver in order to re-enter the United States. Defendant admitted he has no documents to enter or reside in the United States and knew it to be against the law to re-enter after having been deported.